Supreme Court, U.S.
FILED
DEC 29 1998
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No. 98-946

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1998

EDWARD G. SHLIKAS,

Petitioner,

versus

WAKE FOREST UNIVERSITY et al..

On Petition For Writ Of Certiorari
To The United States Court of Appeals For
The Fourth Circuit

REPLY TO BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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REPLY TO BRIEF IN OPPOSITION

In this reply to the respondents' BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI (hereinafter "brief"), the petitioner will address two points of the respondents' brief . The petitioner will first address the respondents' assertion that "the Petitioner has dismissed the action in the United States District Court for the Middle District of North Carolina (hereinafter "District Court") and second, the respondents' failure to address the issues involved in the granting of the writ of certiorari. *Respondents' brief*, p. 1.

First, concerning the voluntary dismissal, the respondents' brief failed to mention some material information regarding the voluntary dismissal. On October 18, 1998, the petitioner mailed an offer of voluntary dismissal to respondents' counsel and the District Court. Nine days later, on October 27, 1998, the voluntary dismissal was filed by the District Court. On October 30, 1998, the petitioner had a phone conversation with respondents' counsel in which the pending Rule 11 sanctions were discussed and respondents' counsel asked the petitioner to amend his voluntary dismissal to a voluntary dismissal with prejudice.

On November 1, 1998, the petitioner mailed an amended notice of voluntary dismissal to respondents' counsel and the District Court. Four days later, on November 5, 1998, the amended voluntary dismissal was filed by the District Court. The amended voluntary dismissal made it very clear that the petitioner rescinded, retracted, voided, and abrogated the October 27, 1998 offer of voluntary dismissal and the petitioner intended to continue to prosecute his case against the respondents (see Appendix).

Second, the respondents' brief fails to seriously address any of the issues contained in the petition for writ of certiorari (hereinafter "petition"). By omitting material factual information regarding the voluntary dismissal and continuing their pattern of personal attacks against the petitioner, respondents' counsel attempts to side-step and ignore the very serious issues contained in the petition. Instead of addressing the issues involved in the granting of the petition, respondents' counsel chose to attack the petitioner and his complaint, describing the petitioner as "obviously bitter" and calling the allegations found in his complaint, "ridiculous". *Respondents' brief* p. 2. Without citing one case in support of their position, respondents' counsel summarily concludes for the Court that the petitioner is so "patently wrong" that the respondents do not need to address the issues and arguments stated in the petition.

In conclusion, since the respondents' brief fails to seriously argue any of the issues involved in the granting of the writ of certiorari, fails to furnish any relevant reasons to deny the petition, and fails to cite any case law in support of their position, the petitioner respectfully prays that the writ of certiorari be granted for the reasons stated in the petition.

This the 29th day of December, 1998.

Respectfully Submitted,

By: Edward G. Shlikas

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APPENDIX

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA

DOCKET NO. 98-1789

CIVIL ACTION NO. 1:97CV01188

EDWARD G. SHLIKAS, Plaintiff, versus WAKE FOREST UNIVERSITY; THOMAS K. HEARN, JR., in his capacity as President of Wake Forest University; ROBERT K. WALSH, in his capacity as Dean of Wake Forest University School of Law; MICHAEL J. PERRY; MARION W. BENFIELD, JR.; MICHAEL K. CURTIS; MIRIUM E. FELSENBURG; BUDDY O.H. HERRING; ALAN R. PALMITER; RALPH A. PEEPLES; PATRICIA J. ROBERTS; CHARLES P. ROSE, JR.; MARGARET H. TAYLOR; GEORGE K. WALKER, Defendants,	**AMENDED** **NOTICE OF VOLUNTARY DISMISSAL**

The plaintiff, Edward G. Shlikas, now formally amends his October 27, 1998 NOTICE OF VOLUNTARY DISMISSAL of the above-captioned civil action. The plaintiff now rescinds, retracts, voids, and abrogates his October 27, 1998 offer of voluntary dismissal and intends to continue to prosecute the above-captioned case.

Respectfully Submitted,

By: /s/ Edward G. Shlikas

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